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RESOLUTION NO. 05-201

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 108, SANITARY SEWER #23, (SOUTH OF 45TH STREET NORTH, WEST OF WEBB) 468-83822**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 108, SANITARY SEWER #23, (SOUTH OF 45TH STREET NORTH, WEST OF WEBB) 468-83822**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-625** adopted on **November 23, 2004**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 108, Sanitary Sewer #23, (south of 45th Street North, west of Webb) 468-83822**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Five Thousand Dollars (\$205,000)** with **One Hundred Ninety Thousand Dollars (\$190,000)** payable by the improvement district described above and **Fifteen Thousand Dollars (\$15,000)** payable by the City of Wichita Water and Sewer Department from the sewer utility improvement funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 20, 2004**, exclusive of the costs of temporary financing.

That in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Twenty One Thousand Dollars (\$21,000).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SAND PLUM ADDITION

The east 91 feet of Lot 1, Block 1; the west 91 feet of the east 182 feet of Lot 1, Block 1; Lot 2, Block 1, except the west 182 feet along with Lot 1, Block 1, except the east 182 feet; the west 91 feet of Lot 2, Block 1; the east 91 feet of the west 182 feet of Lot 2,

Block 1; and Lots 1 through 18, Block 2

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

The east 91 feet of Lot 1, Block 1; the west 91 feet of the east 182 feet of Lot 1, Block 1; Lot 2, Block 1, except the west 182 feet along with Lot 1, Block 1, except the east 182 feet; the west 91 feet of Lot 2, Block 1; the east 91 feet of the west 182 feet of Lot 2, Block 1; and Lots 1 through 18, Block 2, SAND PLUM ADDITION, shall each pay 1/23 of the improvement cost.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, April 19, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)